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## BOOK REVIEWS

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CHANCERY FORMS AND PRECEDENTS. Annotated with Reference to the Practice in Michigan. By Francis A. Stace, of the Grand Rapids Bar. Detroit, Mich.: Drake Law Book Company, 1908, pp. xxxix, 742.

There is scarcely a book in a lawyer's library more important than a good book of pleading forms. The legal mind seems to be peculiarly subject to the power of precedent, and the credulity with which even respectable lawyers assume and rely upon the correctness of commonly used pleading forms is astonishing. A clear and palpable blunder in a precedent will be copied by nine-tenths of the members of the bar who use the book, until it becomes an established custom, in spite of repeated decisions of the supreme court pointing out the error. This being so, a good book of forms, adapted to the varying exigencies of general practice, carefully prepared and closely edited, is a most useful thing—useful in itself and doubly useful because it will probably save the owner from depending upon a worse book.

It may be there are errors in the book under review,—it would be strange if there were not, but a perusal of its forms will convince one that it is a distinct and valuable addition to the facilities available to the legal practitioner. The forms are numerous and are well selected. They are carefully prepared and attractively printed. They cover a remarkably wide range, including the different parts of a bill in equity, a large number of original bills and petitions, bills and petitions not original, orders, notices, affidavits, etc., in proceedings for appearance, forms for taking bills as confessed, defences and the orders, affidavits, motions, etc., incident thereto, amendments, cross-bills, forms incident to all the proceedings relative to receivers, injunctions and writs of *ne exeat*, forms used in proceedings to a decree, decrees and proceedings therein, and a host of miscellaneous forms. Indeed, there is almost no form which could be desired in connection with any matter within the jurisdiction of a court of chancery, which cannot be found here. The annotations are almost negligible, but as a book of forms, supplemental to the works on equity pleading, it is excellent.

E. R. S.

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HANDBOOK OF THE LAW OF SALES. Second edition, revised. By Francis B. Tiffany. St. Paul: West Publishing Co., 1908, pp. x, 534.

The first edition of this work was an admirable book of its type. It presented clearly and concisely the cardinal principles of the law of sales. The present edition is a genuine revision, containing much additional matter and the citation of many cases decided since 1895, the date of the first edition. The book is neither a commentary nor an exhaustive treatise; nor does the author dwell much upon the historical development of the subject, or give us much of his opinion as to the soundness of the existing body of sales law. However, as the book is frankly called a "hand-book," it is not to be

criticised on the above grounds. It is difficult to see how the work could be improved as a statement of the existing law of the subject. In presentation it is orderly, clear and concise, and generally, if indeed not always, sound.

The development of the subject approximates closely to that in Chalmers's "The Sale of Goods," with such modifications, of course, as are made necessary by American departures from the English rules.

The value of the present edition has been enhanced by printing as appendices the "Sales Act," drafted by the Commissioners on Uniform State Laws, and already adopted as law in six of the states, and the English Sale of Goods Act, and by many references in the foot-notes to these acts. Several chapters have been rewritten, the most notable improvement being in that on Conditions and Warranties. It is on this subject and its terminology that the present law of Sales is most unsatisfactory. The author apparently does not see his way to suggest a new term for the unscientific and confusing one, "implied warranties." It might have been well to more clearly point out that these so-called "implied warranties" are to all intents and purposes "conditions," though the author does state that fact. Perhaps, too, the author might have made more of the distinction between "mere conditions" and "promissory conditions." As to the mooted question whether for breach of express warranty the buyer has the option to rescind or to sue for damages, or whether he has only the latter remedy, the author guardedly intimates a preference for the option, p. 370. This is in accordance with the provision of the Sales Act, § 69 (1), (d), and with justice and sound common sense as well. The author refers to the interesting discussion of this subject between Professor Williston and Professor Burdick in the *Harvard Law Review* (Vols. 16 and 17), and the *Columbia Law Review* (Vol. 4).

As the latest work on the subject of Sales, the book should be of value to practicing lawyers; and those who are in favor of the text-book method of instruction could scarcely desire a better book for students. H. M. B.

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THE SCIENCE OF JURISPRUDENCE. A Treatise in which the Growth of Positive Law is Unfolded by the Historical Method and its Elements Classified and Defined by the Analytical. By Hannis Taylor, LL.D. (Edin. and Dub.) New York: The Macmillan Company, 1908, pp. lxxv, 676. Price, \$3.50 net.

The scope of this work is well indicated by the sub-title. In the first part the author presents in attractive style the results of the work of the masters of jurisprudence, particularly those of Bryce and Holland, to whom the volume is dedicated. The method suggested by Bryce, in Essay XIV on "Methods of Law-Making in Rome and in England" and XV on "The History of Legal Development at Rome and in England" of his "Studies in History and Jurisprudence," has been followed by Dr. Taylor in his treat-